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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date November 15, 2005 Name: Joseph A. Yosick Signature: Joseph A. Yosick

BRINKS  
HOFFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	RAMEY, et al.	Examiner:	
Serial No.:	10/622,162		Bos, Steven S.
Filed:	07/15/2003	Art Unit:	1754
For:	SODIUM CARBONATE AND SODIUM BICARBONATE PRODUCTION FROM NAHCOLITIC OIL SHALE		
Attorney Docket No:	12493-13 (formerly 40217.0001USC2)		

TRANSMITTAL

Mail Stop: Patent Ext.  
Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Attached are:

- ☒ Transmittal Letter (in dup); Request For Reconsideration Of Patent Term Adjustment Pursuant To 37 C.F.R. §1.705(b); and
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ An extension fee in the amount of \$\_\_\_\_ for a \_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x \$100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_ is enclosed.
- ☐ Payment by credit card in the amount of \$\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

11/15/05

Joseph A. Yosick  
Joseph A. Yosick (Reg. No. 51,062)  
Attorney for Applicants



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November 15, 2005

Date of Deposit

Joseph A. Yosick, Reg. No. 51,062

Name of applicant, assignee or  
Registered Representative

*Joseph Yosick*

Signature

Date of Signature

Our Case No. 12493-13  
(formerly 40217.0001USC2)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RAMEY, et al.

Serial No. 10/622,162

Filing Date: July 15, 2003

For: SODIUM CARBONATE AND SODIUM  
BICARBONATE PRODUCTION FROM  
NAHCOLITIC OIL SHALE

Examiner: Bos, Steven S.

Art Unit No. 1754

### REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705(b)

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A notice of allowance was issued for the present application on 08/24/2005 indicating that the issue fee is due on 11/25/2005. The Patent Application Information Retrieval (PAIR) system and the notice of allowance both indicate a patent term

adjustment that was calculated by the U.S. Patent office pursuant to 37 C.F.R. 1.701 of 24 days. A copy of the Notice of Allowance for the present application is attached as Exhibit A.

Applicants' Attorney believes that the patent term adjustment should be 169 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. § 1.705(b). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for the present application was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicants' Attorney believe that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for the present application as described in detail below. The present application is not subject to a terminal disclaimer. In addition, there were no circumstances during the prosecution of the application resulting in the notice of allowance that constitute a failure of the Applicants to engage in reasonable efforts to conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

**Period of adjustment pursuant to 37 C.F.R. § 1.703**

**Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)**

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) is the number of days in the period beginning on the day ("the 14 month date") after that date that is fourteen months after the date on which the application was filed pursuant to 35 U.S.C. § 111(a), or fulfilled the requirements pursuant to 35 U.S.C. § 371, and ending on the date of mailing or either an action pursuant to 35 U.S.C. § 132 or a notice of allowance pursuant to 35 U.S.C. § 151, whichever comes first.

The present application was filed on 07/15/2003. The 14 month date specified in 37 C.F.R. § 1.703(a) is 09/15/2004. According to the PAIR system Patent Term Adjustment History (Exhibit B), the first action on the merits by the U.S. Patent and Trademark office in the present application was the Office Action mailed on 10/14/2004. However, the first Office Action was withdrawn in favor of the Office Action mailed on 03/08/2005, attached as Exhibit C. Thus, Applicants' Attorney believes that the difference between the 14 month date and the date of mailing of the first action on merits should have been 174 days. Applicants' Attorney respectfully requests correction of the mailing date of the first action on the merits and re-calculation of the patent term adjustment to take the corrected date into account.

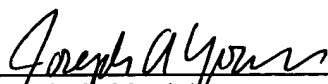
**Total patent term adjustment**

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. We believe the total delays pursuant to 37 C.F.R. § 1.704

were correctly calculated as 5 days. Thus, according to our calculations, we believe that the patent term adjustment should be (174 days - 5 days) = 169 days, instead of 24 days indicated on the Notice of Allowance attached as Exhibit A.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicants' Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicants' Attorney via telephone if such communication would be beneficial in fulfilling this request.

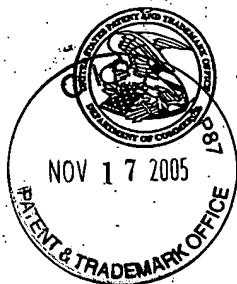
Respectfully submitted,

  
\_\_\_\_\_  
Joseph A. Yosick  
Registration No. 51,062  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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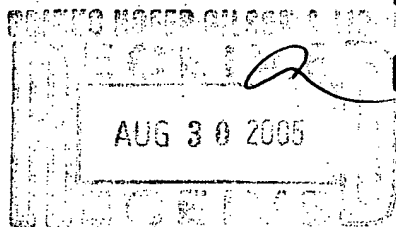
## NOTICE OF ALLOWANCE AND FEE(S) DUE

00757

7590

08/24/2005

BRINKS HOFER GILSON & LIONE  
 P.O. BOX 10395  
 CHICAGO, IL 60610



EXAMINER

BOS, STEVEN J

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 08/24/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,162	07/15/2003	Max E. Ramey	40217.0001USC2	2176

TITLE OF INVENTION: SODIUM CARBONATE AND SODIUM BICARBONATE PRODUCTION FROM NAHCOLITIC OIL SHALE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	11/25/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(571) 273-2885**

or **Fax**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

00757 7590 08/24/2005

**BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610**



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,162	07/15/2003	Max E. Ramey	40217.0001USC2	2176

**TITLE OF INVENTION: SODIUM CARBONATE AND SODIUM BICARBONATE PRODUCTION FROM NAHCOLITIC OIL SHALE**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	11/25/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
BOS, STEVEN J	1754	423-421000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,162	07/15/2003	Max E. Ramey	40217.0001USC2	2176

00757 7590 08/24/2005  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER

BOS, STEVEN J

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 08/24/2005

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

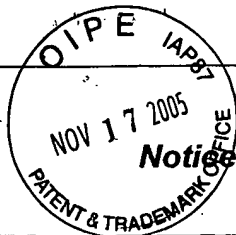
The Patent Term Adjustment to date is 24 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 24 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.





# Notice of Allowability

Application No.

10/622,162

Examiner

Steven Bos

Applicant(s)

RAMEY ET AL.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

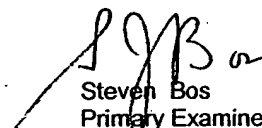
1. ☒ This communication is responsive to the amendment and remarks filed 6-13-2005.
2. ☒ The allowed claim(s) is/are 1-3,5,6 and 8-76.
3. ☒ The drawings filed on 7-15-2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Steven Bos  
Primary Examiner  
Art Unit: 1754

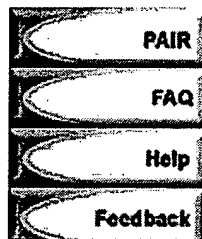
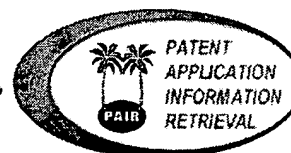
## Exhibit B



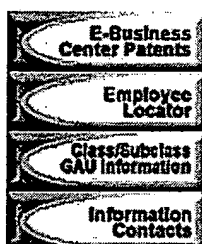
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



Printer Friendly Version

**Patent Term Adjustment (PTA) for application number:  
10/622,162**

			Days
Filing or 371(c) Date:	07-15-2003	USPTO Delay (PTO):	29
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	5
Post-Issue Petitions (days):	+0	Total PTA:	24
USPTO Adjustment (days):	+0	Explanation of Calculations	

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Continuity Data

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File History

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## Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
08-24-2005	Mail Notice of Allowance		
08-22-2005	Issue Revision Completed		
08-22-2005	Notice of Allowance Data Verification Completed		
08-22-2005	Case Docketed to Examiner in GAU		
06-20-2005	Date Forwarded to Examiner		
06-13-2005	Response after Non-Final Action		5
03-08-2005	Mail Supplemental Non-Final Action		↑
03-08-2005	Supplemental Non-Final Action		
02-17-2005	Correspondence Address Change		
02-17-2005	Change in Power of Attorney (May Include Associate POA)		
10-14-2004	Mail Non-Final Rejection	29	
10-13-2004	Non-Final Rejection	↑	
06-29-2004	Case Docketed to Examiner in GAU	↑	
05-11-2004	Transfer Inquiry to GAU	↑	
05-10-2004	IFW TSS Processing by Tech Center Complete	↑	
05-10-2004	Case Docketed to Examiner in GAU	↑	
11-14-2003	Preliminary Amendment	↑	
11-04-2003	Application Return from OIPE	↑	

11-05-2003	Application Is Now Complete	↑	
11-05-2003	Pre-Exam Office Action Withdrawn	↑	
11-04-2003	Application Return TO OIPE	↑	
11-04-2003	Application Dispatched from OIPE	↑	
11-05-2003	Application Is Now Complete	↑	
09-30-2003	Cleared by OIPE CSR	↑	
08-23-2003	IFW Scan & PACR Auto Security Review	↑	
07-15-2003	Initial Exam Team nn	↑	

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## Calculator!

Enter two dates:	# of Days Between...
<b>From:</b> September 15 2004 <b>To:</b> March 8 2005 <div>CALCULATE!</div> <p><small>* Note that number of days calculated is between noon of the first date to noon of the second date *</small></p> <p><a href="#">Disclaimer</a></p>	<b>September 15, 2004 and March 8, 2005</b>  <b>174 Days</b>  = 4176 Hours = 250560 Minutes = 15033600 Seconds
<b>Years, Months, and Days</b> between <u>September 15, 2004</u> and <u>March 8, 2005</u>  <b>0 Years, 5 Months, and 21 Days</b>	

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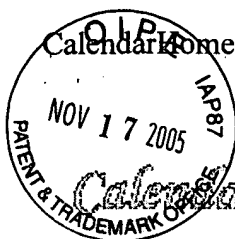
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Enter two dates:	# of Days Between...
<b>From:</b> June 8 2005 <b>To:</b> June 13 2005 <div>CALCULATE!</div> <p><small>* Note that number of days calculated is between noon of the first date to noon of the second date *</small></p> <p><a href="#">Disclaimer</a></p>	<p><b>June 8, 2005</b> and <b>June 13, 2005</b></p> <p><b>5 Days</b></p> <p>= 120 Hours = 7200 Minutes = 432000 Seconds</p>
<p><b>Years, Months, and Days</b></p> <p>between <b>June 8, 2005</b> and <b>June 13, 2005</b></p> <p><b>0 Years,</b> <b>0 Months,</b> <b>and 5 Days</b></p>	

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APPLICATION NO.

FILING DATE

FIRST NAMED INVENTOR

ATTORNEY DOCKET NO.

CONFIRMATION NO.

10/622,162

07/15/2003

Max E. Ramey

40217.0001USC2

2176

757

7590

03/08/2005

EXAMINER

BOS, STEVEN J

BRINKS HOFER GILSON &amp; LIONE

P.O. BOX 10395

CHICAGO, IL 60610

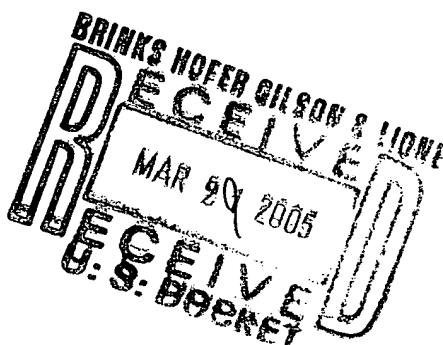
ART UNIT

PAPER NUMBER

-1754

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.





# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,162	07/15/2003	Max E. Ramey	40217.0001USC2	2176
757	7590	03/08/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			BOS, STEVEN J	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

41

## Office Action Summary

Application No.

10/622,162

Applicant(s)

RAMEY ET AL.

Examiner

Steven Bos

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8, 15, 17, 22-28, 30 and 32-36 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 9-14, 16, 18-21, 29, 31, 37-76 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.



Art Unit: 1754

The previous Office action is hereby withdrawn in favor of the following action.

It is noted that the amendment to the specification filed November 13, 2003 was not entered because the page is blank after the recited "Please delete the first sentence of the application following the title on page 1 and insert" and there is no amendment on a following page.

It is noted that in claim 4, -- is -- should be inserted after "bicarbonate". In claims 34 and 69, it appears that Markush language was intended. In claim 42, "Process" should not be capitalized.

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 1754

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 36, e, neither procedure b nor procedure c would appear to have sodium bicarbonate as it was already decomposed in procedure a, which renders the claim indefinite as to how a purge stream containing sodium bicarbonate could be obtained from either procedure b or c.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Copenhafer '054. See cols. 7,8,11,17.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Copenhafer '335. See cols. 2,6,8,9,11.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1,2,5,6,8,15,17,22-28,30,32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Copenhafer '335.

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Copenhafer '335 teaches the instantly claimed process but may differ in that calcining sodium monohydrate to form anhydrous sodium carbonate may not be stated however it is taught that calcining sodium monohydrate forms soda ash which is the same as anhydrous sodium carbonate. Waste heat recovery is conventional to conserve energy.

The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have selected the overlapping portion of the range disclosed by the reference because overlapping ranges have been held to be a prima facie case of obviousness, *In re Malagari*, 182 USPQ 549.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Copenhafer '335 as applied to claims 1,2,5,6,8,15,17,22-28,30,32,-35 above, and further in view of Beard '602.

Copenhafer differs in that the temperature of the nahcolite hot aqueous solution mining liquid is not stated.

Beard teaches that solution mining nahcolite at above 250°F provides maximum mineral removal. See col. 3, lines 9-14.

It would have been obvious to one skilled in the art to solution mine the nahcolite of Copenhafer at above 250°F because this provides optimum mineral dissolution.

Claims 36-76 appear allowable over the cited prior art of record none of which teaches or suggests the instantly claimed combination of process steps.

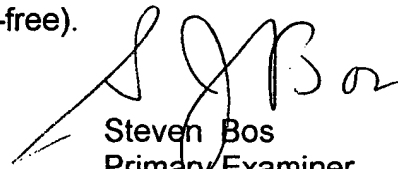
Art Unit: 1754

Claims 4,7,9-14,16,18-21,29,31,37-76 are objected to as dependent on a rejected claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Bos whose telephone number is 571-272-1350. The examiner can normally be reached on M-F, 8AM-6PM but is on increased flexitime sch.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven Bos  
Primary Examiner  
Art Unit 1754

sjb

**Notice of References Cited**

Application/Control No.

10/622,162

Applicant(s)/Patent Under  
Reexamination  
RAMEY ET AL.

Examiner

Steven Bos

Art Unit

1754

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-3,779,602	12-1973	Beard et al.	299/5
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.